

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 DECEMBER 2019

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr D O'Brien, Clr J Searl, Clr J Wheelwright, Clr B McCormack, Mr A Croke (Acting General Manager), Mr M Shah (Director of Infrastructure), Mrs T Dodson (Director of Environment & Planning), Mr C Gordon (Media Officer) and Ms S Pearman (Executive Assistant)

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Stafford advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Mr Andrew Croke declared a Pecuniary Interest in item 11.2 101 Golspie Road, Taralga Zone modification Lot A DP 413644 as he is a relative of the land holder and will make the declaration and leave the Chamber upon making the declaration and not return until the matter is resolved.

Clr Culhane declared a Non-Pecuniary Interest in item 11.1 Development Application 61/2019 light industrial warehouse section 8.2 review as unrelated business partner to one of the proponents and will make the declaration, stay in the Chamber, participate in the debate and vote.

Clr O'Brien declared a Non-Pecuniary Interest in item 11.1 Development Application 61/2019 light industrial warehouse section 8.2 review as he has a social interaction with the applicants and will make the declaration, stay in the Chamber, participate in the debate and vote.

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SECTION 5: CONFIRMATION OF MINUTES

353/19 **RESOLVED** by Clr Searl and Clr McCormack

That the minutes of the Ordinary Council Meeting held on 21 November 2019 be adopted.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

354/19 **RESOLVED** by Clr Searl and Clr McCormack

That Council receive and note the activities attended by the Mayor for November 2019 and December 2019.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

ITEM 6.2 MAYORAL MINUTE

355/19 **RESOLVED** by Clr Cummins and Clr Opie

That Council receive and note the Mayoral Minute in regard to use of Council's water access standpipes

- CARRIED

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Councillors who voted for:-

Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright.

Councillors who voted against:- Nil

A motion was moved by Clr Cummins and Clr Opie that:

1. Council investigate installing measuring devices on standpipes and monitoring water table as a priority.

On being put to the meeting the motion was carried.

356/19

RESOLVED by Clr Cummins and Clr Opie that:

1. Council investigate installing measuring devices on standpipes and monitoring water table as a priority.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford,
and J Wheelwright.

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

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SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE ITEMS FOR THE MONTH OF DECEMBER 2019

357/19 **RESOLVED** by Clr Searl and Clr Wheelwright

That Item 8.1 - [Correspondence/Information] listed below be received:

1. The Hon. John Barilaro MP, Deputy Premier – Increase Wyangala Dam wall height.

358/19 **RESOLVED** by Clr Cummins and Clr Opie that:

1. Council writes to the Hon. John Barilaro MP and enquire as to when the detailed investigation and stakeholder engagement will commence in relation to the Wyangala Dam Wall Project.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

2. The Hon. David Littleproud MP, NSW Department of Infrastructure and Regional Development – Drought Communities Programme Extension.
3. The Hon. Shelley Hancock MP, Minister for Local Government – NSW Asbestos Waste Strategy 2019-21.
4. Office of Local Government – Complaint Statistics.
5. The Hon. Angus Taylor MP, Federal Member for Hume – Media Release Extra Roads to Recovery drought funding.
6. The Hon. Michael McCormack MP, Deputy Prime Minister – Building Better Regions Fund – Round 4.
7. New Dalton District and Community Association – Letter of Appreciation.
8. Ann Robertson – Hydrotherapy Pool Letter of Support.
9. Sharon Thearle – Hydrotherapy Pool Letter of Support.
10. Sharon Fahey – Hydrotherapy Pool Letter of Support.
11. Carolyn Hockley – Hydrotherapy Pool support letter.
12. Chloe Leonard – Hydrotherapy Pool support letter.
13. Angela Hockley - Hydrotherapy Pool support letter.

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14. Chris Chudleigh - Hydrotherapy Pool support letter.
15. Denise Selwyn - Hydrotherapy Pool support letter.
16. Jodie Anderson - Hydrotherapy Pool support letter.
17. Julie Weatherspoon - Hydrotherapy Pool support letter.
18. Lisa Leonard - Hydrotherapy Pool support letter.
19. Machallie McCormack - Hydrotherapy Pool support letter.
20. Nathaniel Hockley - Hydrotherapy Pool support letter.
21. P Woodmore - Hydrotherapy Pool support letter.
22. Robyn Smart - Hydrotherapy Pool support letter.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright.

Councillors who voted against:- Nil

359/19

RESOLVED by Clr Kensit and Clr Opie that -

1. Council bring forward item of business 17.1 – Rescission Motion.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF RESCISSION MOTION - 341/19

MOVED by Clr Cummins and Clr Opie

"We Clr Cummins, Clr Opie and Clr Kensit move that Council Resolution 341/19 is rescinded:

5. Council authorise the proceeds from sale of the Southern Phone Company to be held as unrestricted cash.

If Resolution 341/19, part 5 Southern Phone Company – Propose Acquisition by AGL Energy of all shares is rescinded, then it is proposed that:

5. Council authorise the proceeds from the sale of the Southern Phone Company to be placed in the Council internally restricted reserve fund for the Crookwell Heated Pool Project.

- LOST

Councillors who voted for:- Clrs R Cummins, P Kensit and R Opie

Councillors who voted against:- Clrs P Culhane, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.4 – 10.10 INFORMATION ONLY ITEMS

360/19 **RESOLVED** by Clr Searl and Clr Kensit that -

1. Council receives and notes items 10.4 – 10.10 as information.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF NOVEMBER 2019

361/19 RESOLVED by Clr Searl and Clr Wheelwright

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

ITEM 10.2 MONTHLY WEEDS ACTIVITIES REPORT

362/19 RESOLVED by Clr Opie and Clr Kensit

1. Council receives and notes the report as information.
2. Environment and Planning Department report back to Council on the use of a drone to investigate inaccessible areas of weed infestation.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

A motion was moved by Clr Opie and Clr Cummins that:

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1. Environment and Planning report on the infestation of Serrated Tussock in the Shire and approach the State Government to help contain infestation.

On being put to the meeting the motion was carried.

363/19

RESOLVED by Clr Opie and Clr Cummins that:

1. Environment and Planning report on the infestation of Serrated Tussock in the Shire and approach the State Government to help contain infestation.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 10.3

UPDATE ON COUNCIL WASTE TRANSFER STATIONS

364/19

RESOLVED by Clr Opie and Clr Cummins

1. Council receive and note the report as information.
2. Council adds SP1 and SP2 land use zones to the current review of the draft planning proposal under the Environmental Planning and Assessment Act 1979 being discussed with the NSW Department of Planning and Environment.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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ITEM 10.11 ACTION SUMMARY - COUNCIL DECISIONS
365/19 RESOLVED by Clr Kensit and Clr Opie

1. Council receive and note the report as information.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

An address to Council by Mr Floyd Davies as the proponent for Development Application 61/2019 in relation to item 11.1.

ITEM 11.1 DEVELOPMENT APPLICATION DA 61/2019 LIGHT INDUSTRIAL
WAREHOUSE SECTION 8.2 REVIEW
Motion lapsed for want of a mover and seconder

1. Council advise the applicants that Condition 7 of DA 61/2019 not be amended.
2. Council advise the applicants that Condition 8 of DA 61/2019 not be amended.
3. Council advise the applicants that Condition 9 be amended to read as follows:-
Each lot shall connect to Council's water supply service. In this regard, a water supply service and meter shall be provided to each lot and comply with current water pressure guidelines. Council's Infrastructure Department can provide a fee quotation for the required service connection(s).
4. Council advise the applicants that Condition 13 of DA 61/2019 not be amended.
5. Council advise the applicants that Condition 33 of DA 61/2019 not be amended.

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A foreshadowed Amendment was moved by Cllr Cummins and Cllr Opie that:

1. As an incentive to attract industrial development to the Shire and thus increase employment opportunities that Council approve a 50% reduction to the Section 7.11 and Section 64 contributions for Development Application 61/2019, light industrial warehouse, 36-38 McIntosh Road Crookwell.
2. Council reviews its Section 7.11 Contribution Plan that provides for subsidised development within Upper Lachlan Shire Council particularly for employment generating development, small business proposals and infill residential housing in the towns and village zones.
3. Council advise the applicants that Condition 9 be amended to read as follows:-
Each lot shall connect to Council's water supply service. In this regard, a water supply service and meter shall be provided to each lot and comply with current water pressure guidelines. Council's Infrastructure Department can provide a fee quotation for the required service connection(s).
4. Council advise the applicants that Condition 13 of DA 61/2019 not be amended.
5. Council advise the applicants that Condition 33 of DA 61/2019 not be amended.

On being put to the meeting the Amendment was lost.

- LOST

Councillors who voted for:-

Cllrs R Cummins, R Opie and D O'Brien, Kensit

Councillors who voted against:-

Cllrs P Culhane, B McCormack, J Searl, J Stafford and J Wheelwright

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Mr Andrew Croke left the Chamber in accordance with his declaration the time being 7.54pm.

ITEM 11.2 101 GOLSPIE ROAD TARALGA ZONE MODIFICATION LOT A DP 413644

366/19 RESOLVED by Clr Searl and Clr Wheelwright

1. The planning proposal be endorsed by upper Lachlan Shire Council and forwarded to the Minister for Planning for a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979.
2. Council delegate to the General Manager authority to implement the Gateway Determination.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

Mr Andrew Croke returned to the meeting the time being 7.56pm

ITEM 11.3 SUSTAINABLE COMMUNITIES UPPER LACHLAN SHIRE COUNCIL ENERGY MASTERPLAN

367/19 RESOLVED by Clr Searl and Clr McCormack

1. Council adopt the Sustainable Communities Energy Masterplan for the Upper Lachlan Shire.
2. Council consider priorities listed in the Energy Masterplan for inclusion in future years Council Operational Plan and Delivery Programs.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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SECTION 12: INFRASTRUCTURE DEPARTMENT

Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 DELIVERY PROGRAM BI-ANNUAL REVIEW 2019/2020

368/19 RESOLVED by Clr Searl and Clr McCormack

1. Council adopt the Delivery Program Review and the Fit for the Future Action Plan Review Reports for the six month period ended 31 December 2019.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

**ITEM 13.2 APPLICATION FOR WAIVER OF MULTIPLE RURAL WASTE
CHARGES**

369/19 RESOLVED by Clr Searl and Clr McCormack

1. Council in accordance with Section 610E, of the Local Government Act 1993, waive the multiple Rural Waste Charge totalling \$201.30 (GST Inclusive).

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
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Councillors who voted against:- Nil

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ITEM 13.3 RV FRIENDLY PARK PROPOSAL - PARK STREET CROOKWELL
MOVED by Clr Searl and Clr McCormack

1. Council determine a suitable location for a RV Friendly Park within the town of Crookwell that will satisfy the Caravan, Camping and Motorhome Association (CMCA) requirements.

A Foreshadowed Amendment was moved by Clr Cummins and Clr Opie that:

1. Council investigates a suitable location for a RV Friendly Park within the town of Crookwell that will satisfy the Caravan, Camping and Motorhome Association (CMCA) requirements and is permitted under Councils Land Use Tables.

On being put to the meeting the motion was carried.

370/19 RESOLVED by Clr Cummins and Clr Opie that:

1. Council investigates a suitable location for a RV Friendly Park within the town of Crookwell that will satisfy the Caravan, Camping and Motorhome Association (CMCA) requirements and is permitted under Councils Land Use Tables.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, R Opie, D O'Brien, J Searl and J Stafford

Councillors who voted against:- Clrs P Kensit, B McCormack and J Wheelwright

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SECTION 14: GENERAL MANAGER

ITEM 14.1 REVIEW OF THE NEW EMPLOYEES PRE PLACEMENT HEALTH ASSESSMENT POLICY AND PROCEDURE

371/19 **RESOLVED** by Cllr Searl and Cllr O'Brien

1. Council adopts the reviewed New Employees Pre Placement Health Assessment Policy and Procedure.

- CARRIED

Councillors who voted for:-

Cllrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	New Employees Pre Placement Health Assessment Policy & Procedure
File reference:	F10/618-06
Date Policy was adopted by Council initially:	16 August 2012
Resolution Number:	282/12
Other Review Dates:	16 August 2012, 16 June 2016
Resolution Number:	282/12, 170/16
Current Policy adopted by Council:	19 December 2019
Resolution Number:	371/19
Next Policy Review Date:	2022

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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	16 August 2012
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resource Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	Human Resource Coordinator
Responsibility for review of Policy:	Human Resource Coordinator

PURPOSE/OBJECTIVES

The New Employees Pre Placement Health Assessment is part of Upper Lachlan Shire Council's recruitment process and aims to ensure that individuals are placed in positions that will not adversely affect their health and wellbeing, or place other persons in the workplace at risk of harm.

Upper Lachlan Shire Council as an Equal Employment Opportunity employer will, in all cases, endeavors to accommodate applicants with disabilities who, by way of merit, are successful in applying for any available position.

In order for Council to identify any possible and equitable work adjustments/needs, Council needs to be aware of the extent of any disabilities.

POLICY STATEMENT

The New Employees Pre Placement Health Assessment is a tool used by Council and forms part of the recruitment process. Applicants recommended for appointment to positions must be prepared to undertake the form of a New Employees Pre Placement Health Assessment, to provide all necessary health information to determine their capacity to undertake the inherent job requirements and job demands of the position, and to assist in determining any adjustment needs.

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A person must not be appointed to a position before their fitness to carry out the duties of the position has been confirmed by a New Employees Pre Placement Health Assessment.

When engaging staff through a recruitment agency, Council must ensure that a New Employees Pre Placement Health Assessment, which aligns with Council's specified requirements, has been carried out.

Fitness to carry out duties includes the ability to carry out those duties without endangering the health and safety of the public, or other people employed in the department and of the person concerned.

PRE-EMPLOYMENT MEDICAL ASSESSMENT

In addition, Council must fulfill its obligations:

- under the *Work Health and Safety Regulations 2011* to ensure the health, safety and welfare of their employees and other people in the workplace;
- under the *Anti-Discrimination Act 1977 (NSW)* and *Disability Discrimination Act 1992 (Commonwealth)* for agencies to provide a workplace and employment opportunities free from unlawful discrimination;
- under the *Privacy and Personal Information Protection Act 1998 (NSW)* to ensure that all information provided is only collected for the purpose of carrying out a Pre-employment Medical Assessment; and
- under the *State Records Act (NSW) GDA 39* to ensure information is stored, retained and destroyed.

Definitions

New Employees Pre Placement Health Assessment:

Comprehensive medical and physical examination and appropriate investigations undertaken by a doctor.

Inherent job requirements

The requirements that is fundamental or essential to the position. These requirements must be determined objectively and cannot depend on the attitude or operational methods of the employer.

Inherent job requirements carry with them associated job demands. Inherent job requirements can be located in the Position Description relating to the position under "*Essential*".

Reason for New Employees Pre Placement Health Assessment

The New Employees Pre Placement Health Assessment is conducted:

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- to determine the candidates ability to meet the physical requirements of the position applied for;
- to enable the best applicant to carry out the requirements of the job;
- to ensure senior management commitment to a healthy and safe workplace;
- to ensure employment by merit; and
- to ensure fair and transparent employment processes.

Results of New Employees Pre Placement Health Assessment

The results of all New Employees Pre Placement Health Assessment are confidential. The relevant medical practitioner will email/fax/mail the results through to the Human Resources Coordinator immediately after the assessment is completed.

The Human Resource Coordinator consults with the Department Manager and the WHS Coordinator to review the New Employees Pre Placement Health Assessment. The Human Resource Coordinator will then contact the Selection Panel Chairperson and advise them of the results.

Medical assessments of candidates are placed on the recruitment files. Once the applicant has been appointed, their recruitment details are then transferred to personal files. The personal files are kept in accordance with the NSW State Records Act 1998 – Local Government Records – GDA 39.

In the event that more than one Pre-Employment Medical Assessment is carried out for a position, the unsuccessful applicant(s) medical assessment(s) are placed on recruitment files and destroyed after a 6 months period as per the State Records Act 1998 – Local Government Records – GDA 39.

If Medical Assessments indicate an applicant is unfit to perform the duties of the position

If the medical practitioner determines that the duties of the position could present a risk to the applicant's work health, safety and welfare, or poses a risk to others, the following action is to be taken:

- Whenever necessary and within the bounds of privacy and confidentiality, Council's WHS Coordinator is to confer with the medical practitioner to clarify any specific concerns and whether modification of the duties, or the manner in which the duties are performed, is feasible in the professional opinion of the medical practitioner.
- The Supervisor/Manager is then to examine the job concerned and consider what reasonable modifications could be made to the duties of the position, the equipment used, the work environment etc. The results of this examination and the Supervisor/Manager's recommendations are to be recorded in writing and returned to Council's WHS Coordinator.

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- Council's WHS Coordinator will again confer with the medical practitioner to determine whether the proposed modifications would enable the employee to perform the duties of the position. If the medical practitioner concurs, then the job modifications are to be affected and the appointment is to proceed. A Return to Work Plan for the modification or permanent modifications to the position, will outline the requirements for the candidate to follow and will be drafted in consultation with the Managers and WHS Coordinator.
- If the medical practitioner determines that, despite the proposed modifications, the applicant would be unable to perform the duties of the position, the applicant is to be notified by the Human Resource Coordinator and the appointment, upon direction of the General Manager is to either be offered to the next most meritorious candidate (if appropriate) or to be re-advertised.

Action to be taken if the medical assessment indicates Industrial Deafness

If there is a level of 6% or higher binaural loss, the applicant must lodge a claim against their last noisy employer. (Refer to *"Workplace Injury Management Workers Compensation Act 1998 (No. 86, Section 65, No. 1)"*)

"If there is no entitlement to compensation under section 66 of the 1987 Act for a loss of hearing because of section 69A of the 1987 Act (No compensation for less than 6% hearing loss) notice of injury given in accordance with section 62 suffices (for the purposes of this section) as a claim for the compensation concerned".

Note: If the legislation changes, then the level of hearing loss will reflect the change.

If the medical practitioner determines, in their professional opinion, that a hearing loss is attributable to previous employment, then it will need to be a condition of employment that the job applicant lodge a claim for Workers Compensation with their last noisy employer within one month before becoming an employee of Upper Lachlan Shire Council.

The applicant would also need to submit evidence of claim/documentation indicating Workers Compensation claim had been lodged with last noisy employer prior to commence with Upper Lachlan Shire Council.

If the hearing loss is not associated with previous employment and it has been determined that the applicant could perform the duties required in the position, Council will provide services or facilities needed in order for that person to carry out the position.

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Disability

As part of the obligations under the *Anti-Discrimination Act 1997 (NSW)* and *Disability Discrimination Act 1992*, Council must ensure that any applicants with a disability are assessed using any service or facility they routinely use to perform the inherent job requirements and job demands of a position e.g. if an applicant uses a prosthesis, then the aid should be used during the assessment.

Council can use many forms of adjustments in the workplace to reduce or eliminate the effects of a disability upon a person's ability to carry out the requirements of the job.

The nature of the adjustments required needs to be determined in consultation with the person concerned and not be based on generalisations about particular disabilities. Such an approach acknowledges that there are variations between individuals with particular types of disability, as to the degree of disability experienced by them as well as other characteristics, such as skills, qualifications and experience.

Adjustments

If a health assessment determines that an applicant or employee is capable of performing the inherent job requirement and job demands of the position only if an adjustment is made to the way the duty is performed or by way of work related service or facility, Council will be informed of what adjustments are necessary to allow the person to be able to perform that particular inherent requirement.

A permanently modified Return to Work Plan will be drafted in accordance with the recommendations of the Doctor, in consultation with the Supervisor, Candidate and the WHS Coordinator.

Appeal Process

Where an applicant is dissatisfied with recommendations in respect to their capacity to perform the inherent job requirements and job demands of the position, with or without adjustments, an appeal may be lodged.

The applicant may wish to discuss the matter with the medical practitioner – Occupational Physician or seek another medical opinion from an Occupational Physician.

Where an applicant wishes to seek another medical opinion, this will be paid for by the applicant.

This process will need to be undertaken within 5 working days from the date the applicant was informed of the results of the first Pre-Employment Medical Assessment.

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RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti-Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy;
- Child Protection Policy;
- Civil Liabilities Act 2002;
- Code of Business Practice;
- Code of Conduct for Councillors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Disability Discrimination Act 1992 (Cwth)
- Disciplinary Policy;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Employment and Retention Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- First Aid Policy;
- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Harassment Policy;
- Higher Grade Pay Policy;
- Human Resource Training Plan;
- Human Resource Succession Plan;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Interaction between Councillors and Staff Policy;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;

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- Local Government (General) Regulations 2005;
- Local Government (State) Award 2017;
- Loss of Drivers Licence Policy & Procedure;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth);
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Privacy and Personal Information Protection Act 1998;
- Private Use of Council Motor Vehicles Policy;
- Private Works (Projects and Plant Hire) Policy;
- Protective Clothing and Equipment Policy;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Rehabilitation Procedure and Practice Policy;
- Salary Sacrificing Policy;
- Secondary Employment Policy;
- Service Delivery Policy;
- Smoking in the Workplace Policy;
- Staff Training Policy;
- Standards Australia 8000 series;
- Statement of Ethical Principles;
- Sun Protection – Council Employees Policy;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Trustees Act 1925;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Volunteers Policy;
- Workforce Plan 2016-2020
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Workplace Injury Management Workers Compensation Act 1998;
- Workplace Relations Act 2008.

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Variation

Council reserves the right to vary or revoke this policy.

Forms

Upper Lachlan Shire Council

New Employees Pre Placement Health Assessment

SECTION A – MEDICAL HISTORY

To be completed by employee and presented to Medical Examiner for Inspection along with Section B

Date:

Surname:.....Other Names:.....

Address:

Date of Birth: Place of Birth:

Proposed Occupation:

OCCUPATIONAL HISTORY

Previous Employers	Length of Employment	Industry Type	Position

Have you ever worked with (Please tick):-

Dust	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Heat	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Noise	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Radiation Yes ☐ No ☐

Have you ever had problems working with chemicals? Yes ☐ No ☐

Have you ever had trouble with wearing gloves or any other personal protective equipment? Yes ☐ No ☐

Are you being treated by any doctor for any illness? Yes ☐ No ☐

Are you taking any medicines, tablets or other treatment? Yes ☐ No ☐

Are you allergic to anything? Yes ☐ No ☐

Have you ever spent time in hospital (including operations)? Yes ☐ No ☐

Have you ever had a blood transfusion? Yes ☐ No ☐

Have you ever broken or fractured any bones? Yes ☐ No ☐

When was your last remembered tetanus injection: _____ years

Has your weight altered much in the last year? Yes ☐ No ☐

Have you, in the last 2 years, lost time from work because of illness or injury? Yes ☐ No ☐

Have you ever had a disease or injury at work? Yes ☐ No ☐

Do you suffer with your back or neck? Yes ☐ No ☐

Have you ever had lumbago, sciatica or fibrosis? Yes ☐ No ☐

Do you ever get aches or pains in your muscles? Yes ☐ No ☐

Do you suffer from or have you ever suffered from RSI, occupational overuse syndrome, tennis elbow or tenosynovitis? Yes ☐ No ☐

Do you smoke now? Yes ☐ No ☐

If no, were you a smoker Yes ☐ No ☐ How many years _____

Do you now or have you ever suffered:-

Tuberculosis	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Rheumatic Fever	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Hay Fever	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Wheezing/asthma	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Fits, Epilepsy	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Heart trouble, chest pain	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Palpitations or irregular heartbeats	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Blackouts, fainting attacks	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Frequent or migraine Headaches	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Diabetes	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Yellow Jaundice (Hepatitis)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Back pain, back injury, sciatica	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Heart Murmurs	Yes <input type="checkbox"/>	No <input type="checkbox"/>
High blood pressure	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Arthritis, painful joints	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Stomach/duodenal ulcers	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Passing or vomiting blood	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Hernia	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Earache or discharging ears	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other joint injuries or conditions	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Dermatitis/eczema	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Head injury or concussion	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Foot trouble, difficulty wearing shoes	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Malaria, other tropical diseases	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Eye trouble	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Loss of hearing	Yes <input type="checkbox"/>	No <input type="checkbox"/>

I hereby certify that the foregoing particulars are to the best of my knowledge correct.
I authorise the examining doctor to release any information acquired from this history
and examination or other examinations to appropriate officers of the Company.

Signed: **Date:**

**THIS COMPLETED FORM MUST BE PRODUCED TO THE EXAMINING
PHYSICIAN AT YOUR MEDICAL EXAMINATION.**

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NEW EMPLOYEE PRE PLACEMENT HEALTH ASSESSMENT

Name:

SECTION B - MEDICAL EXAMINATION
(To be completed by the Examining Physician)

Height: _____	Urine: Protein	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Weight: _____	Blood	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Sugar	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Visual Activity

Aided:	Left <input type="checkbox"/>	Right <input type="checkbox"/>
With contact Lens/spectacles	Left <input type="checkbox"/>	Right <input type="checkbox"/>
Colour Vision (where applicable) Normal:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Skin

Evidence eczema/dermatitis	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other abnormality	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Respiratory System

Sinus abnormality	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Symmetrical chest expansion	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Abnormal sounds	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Cardiovascular System

Blood pressure - Normal	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Pulse- Normal	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Cardiac enlargement	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Heart sounds normal	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Peripheral pulses present	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Varicose veins	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Alimentary System

Hernia	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Mouth & pharynx	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Abnormality of Liver	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Spleen	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Kidney Yes ☐ No ☐

Audiometry

All new employees must undertake an Audiogram as part of their medical

Abnormal/noise loss/other cause/mixed loss/normal

Locomotor Nervous System

Spinal Scoliosis Yes ☐ No ☐

SLR Left ☐ Right ☐

Spinal Movements: Cervical

Lumbar

Co-ordination normal Yes ☐ No ☐

Muscle tone normal Yes ☐ No ☐

Joint movement - upper limbs normal Yes ☐ No ☐

- lower limbs normal Yes ☐ No ☐

Specific joint abnormalities

Reflexes normal Yes ☐ No ☐

Glandular - Lymph Glands

Enlarged lymph glands Yes ☐ No ☐

Thyroid abnormality Yes ☐ No ☐

Other

Have you sighted Section A completed by the applicant?

Yes ☐ No ☐

If yes, do you have any comment(s)

.....

.....

Placement Recommendations

The abovementioned is considered suited to the following duties:

1. Machinery operation Yes ☐ No ☐

2. Heavy manual work Yes ☐ No ☐

3. Light manual work Yes ☐ No ☐

4. Professional motor vehicle driving Yes ☐ No ☐

5. Working in dusty conditions with
adequate respiratory protection Yes ☐ No ☐

6. Working in noisy conditions (85db)

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- | | | | |
|-----|--|------------------------------|-----------------------------|
| | with adequate hearing protection | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 7. | Sedentary bench work | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 8. | Keyboard work | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 9. | Chemical handling with adequate protection | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 10. | Administrative/Office Clerical Work | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Any other comments?

.....

.....

.....

.....

.....

The examining doctor wishes it known that the purpose of this examination and the consequent opinions expressed are in the interest of prevention of industrial injury by the proper placement of employees in those positions best suited to their physical capabilities. This examination is not for the purpose of determining the success or otherwise of this person's application of employment.

Date: Signed:

Medical Examiner

Location of Medical Facility where examination performed:

.....

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ITEM 14.2 **REVIEW OF THE SECONDARY EMPLOYMENT POLICY**
372/19 **RESOLVED** by Clr Searl and Clr McCormack

1. Council adopts the reviewed Secondary Employment Policy.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	Secondary Employment Policy
File reference:	F10/618-06
Date Policy was adopted by Council initially:	14 December 2006
Resolution Number:	390/06
Other Review Dates:	20 August 2009; 18 October 2012, 16 June 2016
Resolution Number:	338/09; 345/12, 170/16
Current Policy adopted by Council:	19 December 2019
Resolution Number:	372/19
Next Policy Review Date:	2022

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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A
RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resources Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	Human Resources Coordinator
Responsibility for review of Policy:	Human Resources Coordinator

OBJECTIVE:

The aim of this policy is to provide the framework for identifying conflicts of interest that may arise from employees engaging in employment or business outside Council. The mechanisms for notifying, approving, prohibiting and reviewing secondary employment are detailed in this policy and the appeals process to be used if an employee wishes a prohibition to be reviewed.

POLICY STATEMENT:

The terms “work outside of Council” and “outside work” or “other work” refer to secondary employment for the purpose of this policy. All references to “paid work outside Council” or “paid outside work” in this policy are to be understood to mean private employment or contract work, for remuneration.

SCOPE:

This policy applies to all employees of Upper Lachlan Shire Council.

Other Work:

Section 353, of the Local Government Act 1993 states:-

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- (1) The General Manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council.
- (2) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's Council duties unless he or she has notified the General Manager in writing of the employment or work.
- (3) The General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties.
- (4) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so under subsection (3).

Any staff engaging or wishing to engage in secondary employment must have the approval of the General Manager. Generally, the view will be taken that approval will be granted subject to the secondary employment not conflicting with Council duties in any way.

All Council employees must have ten (10) consecutive hours off duty from Council and/or their secondary employment, before they commence their next Council rostered shift as per section 18(v) of the Local Government (State) Award.

Employees who are considering entering into outside work should consider the following:

- ✎ Is the outside organisation, person or entity in, or entering into a contractual relationship with Council?
- ✎ Is Council in a regulatory relationship with the outside organisation, person or entity?
- ✎ Will the hours of work conflict in any way with his/her Council duties, or his/her health and safety?
- ✎ Will there be sufficient rest time away from both forms of work to enable the employee to present for work fit and alert and be able to work efficiently and to the standard required?
- ✎ Will the outside work involve him/her in litigation against another Council or directly in written or oral submission before another Council?
- ✎ Will performance of the outside work impact negatively on Council's image and credibility?

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- Will performance of the outside work require release of confidential information which is known to the employee, but not available to the general public?
- Is there any other conflict of interest, or potential conflict of interest, between the employee's Council duties and those involved in the outside work?

Answering "yes" to any of the above questions is likely to result in the General Manager prohibiting performance of the outside work.

Breaches of the Policy may result in counselling or disciplinary action which may ultimately result in dismissal, depending on the severity, scale and importance of the matter.

The more severe sanctions will ordinarily only apply when there is repeated and deliberate concealment of pertinent information, failure to disclose, or continuation of prohibited outside work.

The process of the application will be (as per the attachment Secondary Employment Notification Form):

- (i) Written application to the General Manager;
- (ii) Personal interview with the General Manager;
- (iii) Written advice from the General Manager on approval/disapproval.

In the event of disapproval the following steps may be followed:

- The member of staff may request a review of the decision and may be supported by other staff or the appropriate Union. Records of approval will be provided to the respective Directors.
- Approvals will be reviewed each twelve months or subject to change of circumstances which may affect the approval.

USE OF RESOURCES

Council employees are not permitted to use any of Council's resources or information, if granted approval for, or seeking, secondary employment.

Questions in relation to this Policy may be directed to the General Manager on 4830 1000.

The General Manager is the only delegated authority to approve secondary employment. All applications must be made to the General Manager.

Any approvals granted by others, whether in writing or not, are not official.

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RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Access to Information Policy;
- Anti-Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy;
- Child Protection Policy;
- Civil Liabilities Act 2002;
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Disciplinary Policy;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Employment and Retention Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- First Aid Policy;
- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Harassment Policy;
- Higher Grade Pay Policy;
- Human Resource Succession Plan;
- Human Resource Training Plan;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Interaction between Councillors and Staff Policy;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Local Government (State) Award 2017;

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- Loss of Drivers Licence Policy & Procedure;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Privacy and Personal Information Protection Act 1998;
- Private Use of Council Motor Vehicles Policy;
- Private Works (Projects and Plant Hire) Policy;
- Protective Clothing and Equipment Policy;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Rehabilitation Procedure and Practice Policy;
- Salary Sacrificing Policy;
- Service Delivery Policy;
- Smoking in the Workplace Policy;
- Staff Training Policy;
- Statement of Ethical Principles;
- Sun Protection – Council Employees Policy;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Trustees Act 1925;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Volunteers Policy;
- Workforce Plan 2016-2020
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Workplace Relations Act 2008.

VARIATION

Council reserves the right to vary or revoke this policy.

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Upper Lachlan Shire Council
Secondary Employment Notification Form



This is a request for prior approval to obtain 'other' employment.

Name:	Employee Number:
Address:	
Phone Number:	

Please list date of intended employment (From - To): _____

Company/Organisation:
Phone Number:
Address:
Brief job description:

My signature on this written statement certifies that I understand and agree to comply with the following:

As per the Local Government Act 1993, Section 353, states:

- (i) The General Manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council
- (ii) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the members of councils duties unless he or she has notified the General Manager in writing of the employment or work
- (iii) The General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties.
- (iv) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so under subsection (3) of the Act:

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Breaches of this policy may result in counselling or disciplinary action which may ultimately result in dismissal.

Employee's signature: _____

Date: _____

General Manager's signature: _____

Date: _____

Approved / not approved

ITEM 14.3

REVIEW OF THE SEPARATION AND TERMINATION POLICY

373/19

RESOLVED by Clr Searl and Clr McCormack

1. Council adopts the reviewed Separation and Termination Policy and Procedure.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	Separation & Termination Policy and Procedure
File reference:	F10/618-06
Date Policy was adopted by Council initially:	22 February 2007
Resolution Number:	66/07
Other Review Dates:	17 June 2010; 16 August 2011; 19 June 2014; 16 June 2016

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Resolution Number:	243/10; 320/11; 180/14; 170/16
Current Policy adopted by Council:	19 December 2019
Resolution Number:	373/19
Next Policy Review Date:	2022

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resource Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	Human Resource Coordinator
Responsibility for review of Policy:	Human Resource Coordinator

Policy

Upper Lachlan Shire Council has developed an environment that encourages retention of employees and seeks to minimise employee turnover.

In all cases of resignation, Upper Lachlan Shire Council will ensure that all entitlements are met and employees are treated fairly and equitably during the process.

An employee intending to resign from Upper Lachlan Shire Council is required to give notice in accordance with the Local Government Award or their contract of employment.

Separation and termination arise from resignation, retirement, involuntary termination and/or indefinite layoff. All terminations shall be handled in a fair and lawful manner.

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Responsibilities

*It is the responsibility of **Management** to ensure that:*

- all required documentation is completed and returned to the Human Resources Section;
- the employee is treated fairly during the period of notice;
- all Council property is accounted for at the completion of the notice period.

*It is the responsibility of the **Employee** to ensure that:*

- required notice provisions and procedures relating to resignation are complied with.

*It is the responsibility of the **Human Resources Section** to ensure that:*

- all cases of resignation are reviewed to ensure all beneficial learning is achieved and appropriate action is taken as a result of the learning;
- where appropriate, resignations are accompanied by an exit interview;
- all paperwork and documentation is completed to ensure terminated employees receive their correct entitlements as soon as possible after the termination has taken place.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy;
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Disciplinary Policy;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);

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- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Harassment Policy;
- Human Resource Training Plan;
- Human Resource Succession Plan;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (State) Award 2017;
- Local Government (General) Regulations 2005;
- Loss of Drivers Licence Policy & Procedure;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth);
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Private Works (Projects and Plant Hire) Policy;
- Privacy and Personal Information Protection Act 1998;
- Protective Clothing and Equipment Policy;
- Public Access Policy;
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- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Rehabilitation Procedure and Practice Policy;
- Secondary Employment Policy;
- Service Delivery Policy;
- Standards Australia 8000 series;
- Statement of Ethical Principles;
- Sun Protection – Council Employees Policy;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Trustees Act 1925;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;

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- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Volunteers Policy;
- Workforce Plan 2016-2020
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Workplace Relations Act 2008.

VARIATION

Council reserves the right to vary or revoke this policy.

Procedure

An employee wishing to resign must write a signed letter of resignation stating their name, the date of the letter, and date of resignation. Council encourages the employee to state their reasons for resignation; they need only do so if they wish. The employee should give notice in accordance with their employment contract.

The employee should pass the letter of resignation to their Supervisor/Manager, who should note the time and date of receipt. The Director should confirm that the resignation is firm and may also ask for any reasons, if appropriate.

Discretion rests with the Director regarding any relaxation of the period of notice.

The Director should forward the letter of resignation to the Human Resources Section for inclusion in the individual's personnel file and processing. The Director must nominate on this form the date of the employee's last day of service.

There may be cases where the employee reconsiders their decision to resign. There is no obligation on Upper Lachlan Shire Council to accept a withdrawal of a resignation. However, each case should be treated on its merits. Consideration should be given to the employee's performance and experience, together with the importance of the position and potential difficulty in finding a suitable replacement. Withdrawal of a resignation is not possible after the notice period has expired.

Directors should ascertain the name of the employee's new employer. If it is believed that an individual is joining another Council employee entitlements may be transferred as per the Local Government (State) Award 2017.

It is preferable that once notice is given, accrued time in lieu hours must be taken prior to termination, subject to operational requirements.

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Termination Payments

The Human Resources Section will arrange for Payroll to prepare a final payment at the completion of the notice period.

Payment on termination will be in accordance with the terms of the individual's contract of employment. In the case of employees covered by an Award, provisions of the appropriate Award will apply.

In cases where the employer initiates the applicable notice period not to be worked out, payment is to be made in lieu. The payment must be in accordance with legislative and/or Award requirements. Where an employee requests early release from the notice period and it is agreed by the Director, payment is made only for the time worked.

No payment in lieu is to be made if the notice period is worked out.

Certificate of Service

As a rule, written references are not to be given to employees leaving Upper Lachlan Shire Council. However, a Certificate of Service can be prepared by the Human Resources Section, with a copy to be included in the employee's personal file. A draft Certificate of Service is attached as Appendix A.

Exit Interview

Feedback from employees leaving the organisation can provide valuable information on their perception of the Upper Lachlan Shire Council and the way it is managed. During the notice period Director (or their nominee) or the Human Resources Coordinator must arrange for the employee to attend an exit interview. Appendix B provides information on conducting an exit interview. Any information obtained from an exit interview should be forwarded in writing to the Human Resources Section.

The Manager and the employee must complete the Exit Checklist (Appendix D) detailing all Council property to be returned and other internal issues to be finalised.

On the satisfactory completion of the Exit Checklist, the Director (or their nominee) or the Human Resources Coordinator will pass on to the employee the letter outlining Termination Entitlements and Certificate of Service. It is the responsibility of the Director to ensure that all Council property has been returned before the employee receives their final payment.

All final documentation must be returned to the Human Resources Section for filing.

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Attachments

<u>Appendix A</u>	Certificate of Service
<u>Appendix B</u>	Conducting an Exit Interview
<u>Appendix C</u>	Exit Interview Form
<u>Appendix D</u>	Exit Check List

Appendix A

CERTIFICATE OF SERVICE

To whom it may concern,

This is to certify that _____ left the service of this Council on ____/____/____. He/She was in our employment from ____/____/____ and at the date of leaving was in the position of _____ .

It is the policy of the Upper Lachlan Shire Council not to issue any reference other than the above statement of service, but we shall be pleased to supply further information on request.

Yours faithfully,

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Appendix B

CONDUCTING AN EXIT INTERVIEW

The following guidelines should assist with conducting the interview:

- (a) The interview should be arranged as early as possible following the resignation. It should not be left to the last couple of days when an employee is pre-occupied with cleaning his/her desk and is winding down.
- (b) The interview should be conducted by a member of the Human Resource Section, unless the employee states another preference as in their immediate Supervisor, Department Director or the General Manager.
- (c) The ground rules for interviewing should be observed, i.e. use of a private office, no interruptions, and a friendly and informal atmosphere.
- (d) It is probably best in the early stages of the interview to use a non-directive line of questioning. It is also important to obtain early feedback on what the employee liked/disliked most about the position they occupied.
- (e) It is important to encourage a free flow of discussion and to resist the opportunity to be defensive or confronting. The purpose of the interview is to establish the employee's perception of how things have eventuated and why he or she is leaving Upper Lachlan Shire Council
- (f) The exit interview should not be used as an opportunity to "buy back" the employee with offers to increase salary, or the chance of a promotion.

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Appendix C

EXIT INTERVIEW FORM

Name:

Department:

Start Date:

Finish Date:

In Attendance:

.....

PLEASE INDICATE THE REASONS YOU ARE LEAVING UPPER LACHLAN SHIRE COUNCIL

Higher salary		More interesting work	
Better non-salary benefits		Better fit with workplace culture and values	
Career Opportunities		More convenient work location	
Flexible work practices		Bored	
Need a change		Ill health	
Didn't feel welcome		Didn't get along with Supervisor/Manager	
Didn't like job/tasks I was given		Didn't get along with other Department members	
Retirement		Other	

Comments

PLEASE COMMENT ON HOW SATISFIED YOU WERE WITH EACH OF THE FOLLOWING

OFFICE ENVIRONMENT	Highly satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Physical – heating, lighting, layout etc				
Parking facilities				
Working hours				
Availability of equipment and aids				

Comments

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PLEASE COMMENT ON HOW SATISFIED YOU WERE WITH EACH OF THE FOLLOWING

JOB ROLE	Highly satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Opportunities for advancement & development				
Workload				
Nature and content of work				
Performance Review and Development Process				
Your ability to provide input into issues that affect your work				

Comments

REMUNERATION AND BENEFITS	Highly satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Present remuneration and benefits in relation to responsibilities				
Other benefits				
Access to flexible working arrangements				

Comments

INTERPERSONAL RELATIONSHIPS	Highly Satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Relationship with immediate supervisor/manager				
Relationship with staff in your Department				
Relationship with staff in other Departments				

Comments

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PLEASE COMMENT ON HOW SATISFIED YOU WERE WITH EACH OF THE FOLLOWING

TRAINING AND DEVELOPMENT	Highly Satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Induction				
Initial training and development				
Knowledge of work you were required to do				
Access to additional training programs				

Comments

MANAGEMENT	Highly Satisfied	Satisfied	Dissatisfied	Highly Dissatisfied
Communication of company direction and policy				
Feedback on your annual performance review				
Communication of decisions and other issues affecting you				
Competence of your immediate supervisor/manager				

Comments

WORKPLACE CULTURE	YES	NO
Does the culture support all staff to develop and reach their potential?		
Is the culture supportive of the needs of individual groups?		
Does the culture respect individual difference?		
Is the workplace free of harassment and bullying?		

Comments

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WORKING AT UPPER LACHLAN SHIRE COUNCIL (ULSC)	YES	NO
Were you employed prior to working here?		
Is ULSC a better organisation to work for than others?		
Would you advise a friend to work for ULSC?		
Would you consider returning to work at ULSC?		

Comments

YOUR NEW JOB	YES	NO
Are you intending to continue working immediately?		
Does your new position offer higher remuneration?		
Does your new position offer greater career responsibility?		

Comments:

Conclusion:

Employee Name: _____ Signature: _____

Date: _____

Interviewer Name: _____ Signature: _____

Date: _____

Thank you for completing this information. Your responses will be treated with total confidence.

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Appendix D

EXIT CHECK LIST

The Supervisor of the member of staff leaving the Council must complete this form.

Staff Member: _____ Department: _____

Please discuss the following items with the above staff member and place a check in the box after each item has been returned. If particular item does not apply, write N/A to the left of the box.

Return of Keys/Card/Password

- | | | |
|---|---|--------------------------|
| 1 | All keys (Fob) belonging the ULSC Buildings | <input type="checkbox"/> |
| 2 | Staff name badge | <input type="checkbox"/> |
| 3 | Credit Card | <input type="checkbox"/> |
| 4 | Fuel Card | <input type="checkbox"/> |
| 5 | Vehicle keys & log book | <input type="checkbox"/> |
| 6 | Details of Pin Nos/Passwords/ | <input type="checkbox"/> |

Return of equipment

- | | | |
|---|---|--------------------------|
| 1 | Computer (s) | <input type="checkbox"/> |
| 2 | Software and manuals | <input type="checkbox"/> |
| 3 | Mobile Phone | <input type="checkbox"/> |
| 4 | Pager | <input type="checkbox"/> |
| 5 | Cancel password | <input type="checkbox"/> |
| 6 | Tools purchased by Council for Council use only | <input type="checkbox"/> |

Return of Materials

- | | | |
|---|--------------------------------------|--------------------------|
| 1 | Council Uniforms eg PPE | <input type="checkbox"/> |
| 2 | Council Diary | <input type="checkbox"/> |
| 3 | Relevant Council files and documents | <input type="checkbox"/> |
| 4 | Confidential Council files | <input type="checkbox"/> |

Notification

- | | | |
|---|--|--------------------------|
| 1 | All departments notified | <input type="checkbox"/> |
| 2 | Switchboard notified | <input type="checkbox"/> |
| 3 | Shutdown all relevant network accounts | <input type="checkbox"/> |
| 4 | IT notified of exit | <input type="checkbox"/> |

Director's/Managers/Supervisors signature when complete:

_____ Date: _____

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It is essential that all Upper Lachlan Shire Council property be returned to the Council prior to departure date. Final payments will be delayed to employees until this form is completed and returned to the Human Resources Section

SECTION 15: LATE REPORTS

ITEM 15.1 DRAFT PLAN OF MANAGEMENT - CROOKWELL MEMORIAL OVAL COMPLEX

374/19 **RESOLVED** by Cllr Searl and Cllr McCormack

1. The Draft Plan of Management – Crookwell Memorial Oval Complex be placed on public exhibition for a minimum period of 28 days in January 2020.

- CARRIED

Councillors who voted for:-

Cllrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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SECTION 16: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES

ITEM 16.1 REPORTS FOR THE MONTH OF DECEMBER 2019

375/19 RESOLVED by Clr Searl and Clr McCormack

That Item - [Minutes of Committee/Information] listed below be received:

1. Crookwell Potato Festival – Meeting Minutes 17 October 2019.

376/19 RESOLVED by Clr Searl and Clr Kensit:

- 1 That Mandy McDonald be appointed to the Crookwell Potato Festival Committee.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
 Kensit, R Opie, D O'Brien, B
 McCormack, J Searl, J Stafford
 and J Wheelwright

Councillors who voted against:- Nil

2. Canberra Region Joint Organisation Board – Extraordinary Meeting Minutes – 20 November 2019.
3. Canberra Region Joint Organisation Board – Meeting Minutes – 6 December 2019.
4. Crookwell Memorial Hall Committee – Meeting Minutes - 29 August 2019.
5. Crookwell Memorial Hall Committee – Annual General Meeting (AGM) Minutes - 29 August 2019.
6. Crookwell Memorial Hall Committee – Meeting Minutes – 28 November 2019.
7. Collector Oval Committee – Special Meeting Minutes 19 November 2019.

377/19 RESOLVED by Clr Searl and Clr McCormack that:

1. Council approve the installation and provide materials for a rabbit proof fence around the Collector Oval for a total of \$2,716.

- CARRIED

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Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- 8. Tuena Hall and Recreation Area Committee – Extraordinary Meeting Minutes held 27 November 2019.
- 9. Gunning Shire Hall and Showground Advisory Committee – Meeting Minutes - 2 December 2019.
- 10. Upper Lachlan Tourist Association – Meeting Minutes - 3 December 2019.
- 11. Upper Lachlan Pool Review Committee – Meeting Minutes - 28 November 2019.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF RESCISSION MOTION - 341/19

Dealt with earlier in the meeting.

SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 DRAFT LOCAL STRATEGIC PLANNING STATEMENT

Refer to the Business Paper for 19 December 2019 Council meeting for the General Managers comments.

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ITEM 18.2 **CROOKWELL 200 COMMUNITY COMMITTEE**
378/19 **RESOLVED** by Clr Opie and Clr Cummins

1. That Council will provide \$1,000 upon the production of an invoice for the purchase of suitable trees for the Crookwell 200 Community tree project.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

ITEM 18.3 **BUILDING BETTER REGIONS AND DROUGHT COMMUNITIES**
PROGRAMME FUNDING
Refer to the Business Paper for 19 December 2019 Council meeting
for the General Managers comments.

ITEM 18.4 **DEVELOPMENT CONTRIBUTION PLANNING POLICY**
379/19 **RESOLVED** by Clr Cummins and Clr Kensit

1. That Council review the development contributions planning framework to provide:-
 - An equitable charging regime.
 - Identification of priority infrastructure projects and locations.
 - A formula for the collection of revenue that is clear and linked to the development impact.

- CARRIED

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien, B
McCormack, J Searl, J Stafford
and J Wheelwright

Councillors who voted against:- Nil

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ITEM 18.5 DEVELOPER CONTRIBUTIONS REVENUE

Refer to the Business Paper for 19 December 2019 Council meeting for the General Managers comments.

CLOSED COUNCIL ITEMS

Mayor Stafford announced that the meeting would be now moving into Closed Session and read the statement below.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2)(d)(i) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

Note: Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:

380/19 RESOLVED by Clr Searl and Clr Kensit

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2)(d)(i) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 8.39pm and the public, staff and press left the chambers.

381/19 RESOLVED by Clr Searl and Clr Kensit

That Council move out of closed Council and into open Council.

- CARRIED

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Open Council resumed at 8.46pm.

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 TENDER FOR GENERAL WASTE TRANSFER SERVICE PROVIDER

382/19 **RESOLVED** by Clr Searl and Clr McCormack

1. Council accept the schedule of rates tender submitted by Cleanaway Pty Ltd for an approximated value of \$292,950.32 (Ex GST) for a 2 year period, with the option to extend for an additional 2 years.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

THE MEETING CLOSED AT 8.46PM

Minutes confirmed 20 FEBRUARY 2020

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Mayor